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Bangladesh: “A rose by any other name is still blasphemy.”
**Written statement to US Commission on Religious Freedom Virtual Hearing on
Blasphemy Laws and the Violation of International Religious Freedom
Wednesday, December 9, 2020
Dr. Richard L. Benkin**

Article 19 of the Universal Declaration of Human Rights states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

While few people champion an *unrestricted* right to free of expression, fewer still stand behind the use of state power to protect a citizen’s right from being offended by another’s words. In the United States, for instance, a country regarded by many correctly or not as a “Christian” nation, people freely produce products insulting to many Christians, all protected, not criminalized by the government. A notorious example was a painting of the Virgin Mary with elephant dung in a 1999 Brooklyn Museum exhibit. Attempts to ban it or sanction the museum failed, and a man who later defaced the work to redress what he considered an anti-Christian slur was convicted of criminal mischief for it. Laws that criminalize free expression as blasphemy are incompatible with free societies, and nations that only pose as such often continue persecution for blasphemy in disguise. In Bangladesh, the government hides behind high sounding words in a toothless constitution while sanctioning blasphemy in other guises. The use of blasphemy charges has become a major element of an oppressive social control in a country that hardly resembles the nation described in its constitution or by the nation’s father, Sheikh Mujibar Rahman.

I have been involved in two blasphemy cases there. The first was brought against a journalist for reporting on the rise of radical Islamism in Bangladesh and for suggesting that the nation recognize Israel. Actions since by many Muslim majority nations have shown that neither is contrary to Islam or blasphemous. The second was brought against an author for a book he wrote in a foreign country and which the Bangladeshi government had banned as blasphemous eight years before the charges were brought. The author, Salam Azad, claimed that the charges were retaliation for his exposing the illicit seizure of Hindu land by a senior official of the ruling Awami League. In both cases, the government was forced to quietly resolve the charges when they became known outside of the country. And that’s the key point: blasphemy laws are recognized as anti-democratic. The ruse enables Bangladesh to claim say it has no formal blasphemy law while still criminalizing free speech as blasphemy nonetheless.

Bangladeshi Prime Minister Sheikh Hasina in 2013 very publicly refused radical calls for a new blasphemy law with draconian penalties, which would have become Section 295B of the Bangladeshi penal code. She did not, however, do anything about Section 295A, which according to a 2018 US State Department (State) report, criminalizes “statements or acts made with a ‘deliberate and malicious’ intent to insult religious sentiments.”

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Moreover, the provision remains vague, and according to State, “the code does not further define this prohibited intent [and] the courts have interpreted it to include insulting the Prophet Muhammad....The law applies similar restrictions to online publications. *While there is no specific blasphemy law, authorities use the penal code as well as a section of the Information and Communication Technology Act to charge individuals.* [Emphasis mine.] The Digital Security Act, passed by parliament in September, criminalizes publication or broadcast of ‘any information that hurts religious values or sentiments.’” Do not be deceived: this amounts to blasphemy laws dressed up in new clothing. And it gets worse. All it takes is just one individual claiming to be offended in order to bring a case, which is what happened in the above noted prosecution of author Salam Azad. In that case, a self-described “Muslim activist” claimed Azad’s book, *Bhanga Math (Broken Temple)* “contained slanderous remarks against the Prophet Mohammed (PBUH) and Islam.” Azad faced prosecution for it and multiple disabilities even though his book was banned in Bangladesh and never appeared there. So, not only is the law flawed in its conception; its implementation is flawed as well. Blasphemous actions are never defined but remain vague enough to include just about anything that one person might decide to find offensive, as it takes only one aggrieved individual to bring the entire state apparatus down on the accused.

Blasphemy laws in Bangladesh also exist in Section 99(a-f) of the Code of Criminal Procedure that allows "the government [to] confiscate all copies of a newspaper if it publishes anything subversive of the state or provoking an uprising or anything that creates enmity and hatred among the citizens *or denigrates religious beliefs.* [Emphasis mine.]" Section 144 also lets the government prevent a journalist from going to his or her work place for the same alleged offenses.

Blasphemy laws are bad enough in theory, but their real impact is much worse. State and others frequently referenced the use of Bangladesh’s 2018 Digital Security Act as a *de facto* blasphemy law. Between April 8 and May 15, 2020, a mere 38-day period, at least twelve different cases were brought by the Bangladeshi government against Hindus who were accused of violating that Act by insulting religious sentiments. Prosecution and incarceration were allowed based only on rumor, a single allegation with no attempt at verification, and other unsubstantiated evidence. Before their arrest, these minorities were attacked and otherwise brutalized, but police never arrested known culprits who were witnessed committing assault, arson, robbery, and other criminal actions. Instead, they arrested and held the minority victims under the Digital Security Act for offending the *criminals’* religious sentiments! The incidents also involved indiscriminate attacks on the entire Hindu community with, again, the minority victims being the only people arrested.

Blasphemy laws are retrograde enough, however, when they are coupled with a favored and official state religion as they are in Bangladesh, the laws are applied in a discriminatory manner as well. For instance, while the government is quick to prosecute those accused of offending followers of the official state religion; they refrain from doing so when other religions are defamed. For instance, during the same 38-day period

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referenced above when the government aggressively prosecuted Hindus for blasphemy, there were 15 incidents of Hindu temples being desecrated or destroyed, along with other acts of anti-Hindu religious desecration; and even when victims complained and the perpetrators were known, the government refused to prosecute.^{1 2}

Further, in Bangladesh, any discussion of blasphemy laws is subordinated to political considerations. Prime Minister Sheikh Hasina reaffirmed this warped sense of priorities during open discussions with radical Islamists in exchange for the latter's political support; something that many Bangladeshis call her "strategic compromise" with the terrorist groups. Since then, as she promised, there has been no consideration of repealing these ersatz blasphemy laws or challenging their bigoted implementation under her party's rule.

People who care about human rights, freedom of religion and belief, and even basic standards of decency, must recognize the surreptitious transformation of blasphemy laws. As more and more countries find such laws anti-democratic and retrograde; blasphemy's proponents will attempt to hide them in other language that, as we see in Bangladesh, continue to give blasphemy charges the force of law and the approval and connivance of the government. ***Don't be fooled by words without action.***

¹ Evidence for the 2020 incidents referenced comes from an extensive and detailed study of anti-Hindu actions in Bangladesh, none prosecuted by the government, during Bangladesh's first COVID-19 lockdown period. While the government enforced social distancing otherwise, it refrained from doing so when the violations were part of targeted anti-Hindu actions. Using extensive, first-hand and personal sources, along with validation methodology, I was able to confirm with certainty 85 multi-crime anti-Hindu incidents during a 66 day period. Members of the government and police participated with impunity, and the government did not prosecute any of the crimes.

² Additionally, I have spent a good deal of time in Bangladesh and have heard extensive defamation of my faith, Judaism, often seeming to incite hatred of Jews; and yet, even when I complain, it is allowed to proceed with approval of the government.